

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re:)	Case No. 23-43362-357
)	Chapter 7
Renaé Aguilar,)	
)	
Debtor.)	
)	
Electro Savings Credit Union,)	
Movant,)	Response Due: October 11, 2023
v.)	Hearing Date: October 18, 2023
)	Hearing Time: 10:00 a.m.
Renaé Aguilar,)	Location: 5 North
)	
Debtor,)	
)	
and)	
Seth A. Albin, Trustee,)	
Respondents.)	

NOTICE OF HEARING AND MOTION FOR RELIEF FROM AUTOMATIC STAY

PLEASE TAKE NOTICE that the undersigned will move before the Honorable Brian C. Walsh in the United States Bankruptcy Court, Thomas F. Eagleton Courthouse, 111 S. 10th Street, 5th Floor, North Courtroom, St. Louis, Missouri 63102 on October 18, 2023, at 10:00 a.m., or as soon thereafter as counsel can be heard, for an order on the underlying motion for relief from automatic stay.

WARNING: THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE BY OCTOBER 11, 2023.

YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. THE DATE IS SET OUT ABOVE. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING. REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEYS.

COMES NOW Electro Savings Credit Union (“Electro Savings”), by and through its attorneys, and moves the Court for relief on the following grounds:

1. On the date of the filing of this bankruptcy proceeding, Electro Savings was owed at least \$7,197.06, secured by a 2013 Dodge Dart, VIN: 1C3CDFBA7DD342722.
2. Debtor entered into a retail installment contract and the lien was perfected on April 11, 2022, as evidenced by a notice of lien. See Exhibits A and B attached hereto and incorporated herein by reference.
3. The retail value of the aforesaid vehicle was approximately \$5,000.00 at the time of filing.
4. Debtor’s Statement of Intention indicates her intent to surrender the aforesaid vehicle.
5. The aforesaid vehicle is not necessary or an effective reorganization.
6. Cause exists for terminating the automatic stay, as Electro Savings is not adequately protected with its continuation.
7. Electro Savings requests that any order modifying the stay be effective immediately as allowed under Federal Bankruptcy Rule 4001(a)(3).

WHEREFORE, Electro Savings respectfully requests that the Court lift the automatic stay of 11 U.S.C. § 362 as to the vehicle described above, that the vehicle be abandoned from the

estate, that any Order modifying the stay be effective immediately as allowed under Federal Bankruptcy Rule 4001(a)(3), and that the Court enter such further relief as is proper.

Respectfully submitted,
RIEZMAN BERGER, P.C.

By: /s/ Kathryn A. Klein
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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the forgoing was served via electronic means for those available and by postage prepaid, in the United States Mail, by first-class mail to the following on September 22, 2023:

Renae Aguilar
3547 Itaska St.
Saint Louis MO 63111
DEBTOR

/s/ Kathryn A. Klein